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RUEHFR/AMEMBASSY PARIS PRIORITY 1269
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TAGS: [PTER](#) [PREF](#) [PREL](#) [PHUM](#) [CASC](#) [VZ](#) [CO](#)
SUBJECT: URIBE OFFERS THE FARC NEW HOSTAGE EXCHANGE PROPOSAL

Classified By: DCM Brian A. Nichols,
Reason: 1.4 (b) and (d)

SUMMARY

¶1. (C) The GOC offered on March 27, to release an unspecified number of prisoners requested by the Revolutionary Armed Forces of Colombia (FARC), even those accused of serious crimes, if the FARC released its hostages--starting with Ingrid Betancourt. Reports that Betancourt remains gravely ill appear in the Colombian media almost daily. Peace Commissioner Restrepo cited concerns over Betancourt's poor health as a reason behind the proposal. The GOC based the proposal on a provision of the Justice and Peace Law that authorizes the president to negotiate humanitarian exchanges. Legal questions remain, especially related to freeing those convicted of crimes against humanity, and the decree could be challenged--including by jailed ex-paramilitaries seeking equal treatment. Uribe also told the media the GOC was preparing for military humanitarian operations to locate the hostages. The FARC has failed to respond to previous GOC offers or gestures freeing its members, and GOC-authorized Church intermediaries told us the FARC's connections to Chavez and political demands would complicate efforts toward an exchange or peace talks. END SUMMARY.

NEW DECREE AND "CLAMOR FOR INGRID"

¶2. (U) Peace Commissioner Luis Carlos Restrepo announced on March 27 that the GOC would release an unspecified number of FARC members from Colombian jails immediately if the FARC released its hostages--starting with Ingrid Betancourt. Luis Eladio Perez, released in February by the FARC, reported that Betancourt was in failing health, and People's Defender Volmar Perez announced on March 27 that the FARC had recently sought urgent medical treatment for Betancourt in the remote San Jose de Guaviare region. Restrepo said the GOC's "great worry" over Betancourt led the GOC to make the new offer since "there is no more time to wait." The French Government released a statement expressing support for the GOC proposal and its worry over Betancourt's "grave" state of health.

¶3. (C) President Alvaro Uribe told New Mexico Governor Bill Richardson in a March 27 meeting in Bogota to discuss a humanitarian exchange that he had been working on a new

decree, which he then instructed Restrepo to release. Restrepo told the media on March 28, that Richardson supported the decree, and added that the GOC welcomed the governor's efforts. On March 28, Uribe told the media the GOC offer to provide rewards to FARC members who demobilized with hostages remained in place, and that he had instructed the military to prepare for humanitarian operations to locate the hostages.

DECREE DETAILS AND LEGALITIES

¶4. (U) Decree Number 888 of 2008 is based on Article 61 of the 2005 Justice and Peace Law (JPL), which gives the president authority to negotiate humanitarian exchanges with illegal armed groups. Restrepo said the GOC remained willing to free an unspecified number of prisoners requested by the FARC, even those convicted of crimes against humanity, if the FARC "freed one, or (all) the kidnapped persons in their power." Restrepo said, if Betancourt was released, the GOC would "consider that a humanitarian accord has been realized." He added, "we also think that this mechanism will immediately permit the other hostages with difficult health conditions in general, and all of the hostages the FARC has in its power . . . to benefit from this mechanism." The decree states that any FARC members released would not be permitted to return to the FARC ranks. Restrepo did not specifically mention the U.S. hostages or FARC demands for a demilitarized zone.

¶5. (C) The GOC released a legal justification for the decree/Article 61, which claims presidential authority to release the FARC prisoners in an exchange, but serious legal questions remain. The JPL requires those convicted of crimes against humanity (massacres, kidnappings) to serve jail terms; this could conflict with Article 61 provisions. Lawyers for ex-paramilitaries serving jail time have argued that the "principal of equality" would also require the GOC to provide ex-Paras with the same benefits provided to the FARC. Commentator and former-Vice Minister of Justice Rafael Nieto told us a release of FARC members could face numerous and lengthy legal challenges over these, and other unknown, issues.

WILL THE FARC ACCEPT?

¶6. (C) Church facilitator Father Dario Echeverri told us the FARC's political demands and close coordination with Venezuelan President Hugo Chavez limited prospects for a humanitarian accord or broader peace process. Echeverri said FARC Secretariat member Ivan Marquez agreed to meet with the Church to discuss its "meeting zone" proposal, but only if Church officials first meet with Chavez; the Church remains unwilling to do this. Echeverri thinks the GOC would have been flexible on terms of the meeting zone proposal if the FARC had engaged the Church in December, but things are less clear now. Chavez' has done "incalculable" damage to prospects for peace with the FARC (and ELN), because he has encouraged them to make inflated political demands (belligerent status, removal from terrorism lists) that have no relation to their ever-weakening military situations.

¶7. (U) Both the GOC coalition and opposition politicians reacted positively to the GOC proposal, but some questioned the GOC's motivations--and all questioned whether the FARC will respond. Polo Representative Venus Silva said, "the GOC finally did what we have been asking for." But Liberal Senator Hector Heli Rojas speculated that the GOC was only trying to maintain the high ground in case Betancourt dies. U Party President senator Carlos Garcia said, "this demonstrates the will of the president to achieve an exchange. If Ingrid dies the FARC will be responsible."